

**IN THE UNITED STATES COURT
OF FEDERAL CLAIMS**

BLUE CARE NETWORK OF MICHIGAN,
and BLUE CROSS BLUE SHIELD OF
MICHIGAN MUTUAL INSURANCE
COMPANY,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 20-1000

(Judge Davis)

JOINT STATUS REPORT

Pursuant to the Court's October 3, 2023 order, the parties respectfully submit this joint status report.

As stated in the parties' previous joint status report, counsel for a number of cost-sharing reduction (CSR) plaintiffs and the Government continue to engage in productive settlement negotiations regarding the CSR cases currently pending before this Court. Plaintiffs here have expressed a willingness to consider seriously the method, if any, that the Government is able to agree to with other CSR plaintiffs for resolving or streamlining the CSR cases.

The negotiating parties most recently exchanged letters on September 7 and September 19. In light of those communications, the parties believe that they have reached a tentative agreement in principle on a methodology by which the parties can settle some of these CSR cases. This methodology must, however, be approved by officials at both the Department of Health and Human Services and the Department of Justice. In addition, the parties will need to gather relevant data from plaintiff-insurers from past benefit years in order to calculate whether damages may be owed to a given insurer for a given year. The Centers for Medicare and

Medicaid Services is currently preparing a process for plaintiff insurers to submit relevant CSR data. Once that data is gathered and analyzed, plaintiffs will have the option of participating in the proposed settlement process or continuing instead with litigation.

Defendant expects to share a draft settlement agreement template with plaintiffs by December 1, 2023, and a timeline for its proposed data gathering and verification process to plaintiffs by December 15, 2023. Therefore, the settlement agreement and approval process for these CSR cases will take additional time to complete. We thus respectfully request that the court continue the stay in this case, and the parties will file a JSR within 60 days, by January 26, 2024, to update the Court on the status of the settlement process.

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